

Comprehensive agrarian reform law in the philippines



**ASSIGN
BUSTER**

The unpopularity and total failure of the Marcos land reform plan paved the way for the initiation of the Comprehensive Agrarian Reform Program in the Spanish agricultural sector, during the Presidency of Aquino. In fact, this formed one of the major points against Marcos, emphasized during the Presidential campaign of Aquino. In other words, the introduction of the Comprehensive Agrarian Reform Program had an underlying political motivation. The Comprehensive Agrarian Reform Program (CARP) was a land reform law mandated by Republic Act No. 6657, signed by President Corazon Aquino on June 10, 1988.

It was the fifth land reform law in fifty years, following the land reform laws of Presidents Manuel Quezon, Ramon Magsaysay, Diosdado Macapagal and Ferdinand Marcos. According to RA 6657, CARP aims “ for a more equitable distribution and ownership of land.” It meant to distribute lands to farmers in a span of 10 years, but was extended by the 11th Congress due to delays in land distribution and lack of budget allocation.

Section 3 of RA 6657 defined agrarian reform as the “ redistribution of lands, regardless of crops or fruits produced, to farmers and regular farm workers who are landless” and “ all other arrangements alternative to the physical redistribution of lands, such as production or profit-sharing, labor administration and the distribution of shares of stock which will allow beneficiaries to receive a just share of the fruits of the lands they work.” Vast agricultural lands are distributed to the farmers tilling the land, whereas only a maximum of five hectares can be retained by the landlords and three hectares for each of their children.

CARP is not about free land distribution to the tiller which is the core of a genuine land reform program. Instead, CARP seeks to provide landlord compensation and require peasant beneficiaries to pay for land that they have been tilling for generations. Land reform under CARP is essentially a land transaction between landlords and peasants with the government acting as the middleman. Deceptive accomplishments

The CARP's reported accomplishments are also dubious since various forms of bogus land distribution bloat the figures. The "accomplishments" include lands with registered certificates of land ownership award (CLOAs) but these have not been turned over to tenants who are still paying for their amortization. There is double counting where "mother" or collective CLOAs and the "individual" CLOAs under these are both tallied. In the most brazen cases, there are CLOA holders who still do not occupy the land because of outright landlord resistance. Poverty and landlessness

The clear failure of land reform in the country has severe consequences for a predominantly agricultural country like the Philippines. The peasants who make up the largest part of the population continue to be exploited by rural land, credit, trading and marketing monopolies and are kept in miserable poverty. Rural poverty incidence is two-and-a-half times that in urban areas and 73% of the country's poor live in agriculture-dependent rural areas. The struggle between farmers and landowners of Hacienda Luisita is now being seen as the first real test of character of President Noynoy Cojuangco Aquino, whose family has owned the land since 1958.

The problem began when government lenders obliged the Cojuangcos to distribute the land to small farmers by 1967, yet a deadline came and went. The release of the funds came with the condition that the land would be distributed to the farmers in 10 years, however on the 10th year, the Cojuangcos did not distributed the land as stipulated by the law. It continued with the use of the people's money to build an interchange and overpay themselves (Cojuangcos) for the right-of-way to connect the Subic-Clark expressway to Luisita, although this connection was only for private benefit.

Statement of Objectives

One of the objectives of this research paper is to study the effect of CARP Law implementation to the Constitutional Rights of the farmers of Hacienda Luisita. The question with regard to the Constitutional Rights means, whether the rights of these farmers are being observed or ignored by the implementation of this law. Another objective of this research is to know the current situation of the Hacienda Luisita Farmers after the Supreme Court's decision on their case against the Cojuangco Family. It is important to achieve the objectives of this research paper, in order for the authors to analyze clearly the current situation of the landless farmers at the Hacienda Luisita. It is important to analyze whether the rights of these farmers, due to a well known law are being set aside because of its own provisions. It is also important to know the general outcome or the good or bad oa no changes at all after the ruling of their case at the Supreme Court of the Philippines on their favor.

Statement of the Problems

<https://assignbuster.com/comprehensive-agrarian-reform-law-in-the-philippines/>

The problems that this research would like to answer are the question of what is the General Provision of CARP Law with regard to the protection of farmers working inside the Hacienda Luisita, What are the legal remedies of the farmers if this law was set aside, or what are the other laws pertaining to the protection for landless farmers aside from the CARP Law and What are the effects of the CARP Law for the Hacienda Luisita farmers especially on their case at the Supreme Court of the Philippines. These questions when answered, would hopefully meet the objectives of this research paper.

Statement of Scope

The authors will be focusing only on the CARP Law implementation on the Hacienda Luisita farmers. The data gathered for this research came from the Labor Code of the Philippines, The Constitutional Law of the Philippines and numerous articles from different newspapers, journals and books with regard to the CARP Law in the Philippines. This research covers the general provisions of CARP Law, the existing issues that surrounds the CARP Law and issues related to the farmers of Hacienda Luisita.

This research paper does not cover anymore the other cases of landless farmers which may or may not be pending to the Supreme Court of the Philippines, of other cases related to CARP Law, and other provisions of the CARP Law that are not related to the Hacienda Luisita farmers. This research paper would only concentrate about the farmers of Hacienda Luisita and the related provisions of CARP Law. This research paper do not intend to explore other provisions of the Labor Code and Constitutional Law not related to the topic of the research. II. Body In accordance to the law, Republic Act no.

6657 or known as Comprehensive Agrarian Reform Program, one of the General Provisions with regard to the protection of the farmers in Hacienda Luisita is stated on Section 2, paragraph 4, which states that: “ The agrarian reform program is founded on the right of farmers and regular farm workers, who are landless, to own directly or collectively the lands they till or, in the case of other farm workers, to receive a share of the fruits thereof.

To this end, the State shall encourage the just distribution of all agricultural lands, subject to the priorities and retention limits set forth in this Act, having taken into account ecological, developmental, and equity considerations, and subject to the payment of just compensation. The State shall respect the right of small landowners and shall provide incentives for voluntary land-sharing.”

It is presumed that every landless farmer shall have the right to own directly or collectively the lands they cultivate. Furthermore, CARP Law states that: “ The Comprehensive Agrarian Reform Law of 1988 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands as provided in Proclamation No. 131 and Executive Order No. 229, including other lands of the public domain suitable for agriculture.” This can be found at section 4, chapter II of CARP Law. Therefore, it means that all farmlands being rented by landless farmers are covered by this provision, even corporate farmlands like the Hacienda Luisita. The CARP Law aims for rural development and industrialization, and the establishment of owner cultivatorship of economic-sized farms as the basis of Philippine agriculture. The CARP Law aims to protect landless farmers from incurring

too much debt from the landowners, or suffering from excessive rent fees of the lands they till.